

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

CURTIS V. MOORE,
Plaintiff,

vs.

TWYLA MASON GRAY,
Defendant.

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No. CIV-05-764-W

FILED

AUG 11 2005

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY *SD* DEPUTY

ORDER

On July 19, 2005, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this matter and recommended that the Motion for Leave to Proceed In Forma Pauperis filed by plaintiff Curtis V. Moore be denied. Moore was advised of his right to object to the Report and Recommendation, but he has not filed an objection within the allotted time.

Upon de novo review of the record, the Court concurs with Magistrate Judge Argo's suggested disposition of Moore's request to proceed in forma pauperis. Because Moore has, on at least three (3) prior occasions, brought an action "that was dismissed on the grounds that it [was] . . . frivolous . . . or fail[ed] to state a claim upon which relief may be granted," 28 U.S.C. § 1915(g), he may bring the instant action without prepayment of the filing fee only if he "is under imminent danger of serious physical injury." *Id.* Moore has made no such showing in this case.


Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on July 19, 2005;
- (2) DENIES Moore's Motion for Leave to Proceed In Forma Pauperis;

(3) ADVISES Moore that unless he pays the filing fee of \$250.00 in full to the Clerk of the Court within twenty (20) days of the date of this Order, this action shall be dismissed without prejudice to refiling; and

(4) RE-REFERS this matter to Magistrate Judge Argo.

ENTERED this 11th day of August, 2005.



LEE R. WEST
UNITED STATES DISTRICT JUDGE